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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,560	09/25/2003	Isamu Arakaki	8043-1017	4006

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EXAMINER

MEHRA, INDER P

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/27/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/669,560

Applicant(s)

ARAKAKI ET AL.

Examiner

Inder P. Mehra

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/15/06 9/25/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to application dated: 9/25/03. Based on this application, claims 1-8 are pending.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation "own manager" recited in claim 1 line 6 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:

Specification disclose, “a mobile communication network managed by a communication dealer tied up with the own manager---”, refer to page 3 line 5. What is the meaning of this phrase? This is not illustrated in drawings.

Appropriate correction is required.

Claim Objections

4. Claims 1-6 are objected to because of the following informalities:

- Claim 1 recites, “a mobile communication network managed by a communication dealer tied up with the own manager---”, refer to line 6. What is the meaning of this phrase? Who is “own manager” in the context of communication dealer in illustration?. This is not illustrated in drawings.
- Claim 4 recites “communication user demands communication expenditures to each user”. What does this mean in practical sense.
- Claim 6 recites “etc.” in line 4. This is impermissible, open ended and indefinite limitation.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the following limitations: There is no antecedent basis for these limitations in the claim.

- "the own manager" in line 6. In addition, what is the definition of "own manager" in this invention? Specification disclose, "a mobile communication network managed by a communication dealer tied up with the own manager---", refer to page 3 line 5. What is the meaning of this phrase? Similar limitation exists in claim 7 lines
- "the location" in line 7; It is preceded by "a limited location".
- "—or the like of a mobile station---". This is indefinite and non-limiting in character. Please specify the limitation. Similar problem, such as, "or the like to pertinent persons" exists in line 5 of claim 6.

Claim 2 recites the limitation "a mobile communication network" in line 3. There is insufficient antecedent basis for this limitation in the claim. It is preceded by the same limitation in line 5 of claim 1. Similar problem exists in claim 3 line 8.

Claim 4 recites the following limitations: There is insufficient antecedent basis for these limitation in the claim.

- "the hot spot manager" in line 2",

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- "each hot spot" in line 4;
- "the communication user" in lines 4-5.

Claim 5 recites the limitation "wherein the mobile communication network managed by the communication dealer is a mobile communication network by the PHS." in lines 2-4.. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the mobile communication network subscribers" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation following limitations:

- "the hot spot" in line 1;
- "the location of the hot spot" in line 6;
- "the telephone number" in line 7
- There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Information Disclosure Statement

7. The information disclosure statement filed 9/25/03 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because "Foreign Patent Documents" have not been received along with the IDS.. It has been placed in the application file, but **the information referred to therein has not been considered as to the merits.** Applicant is advised that the

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date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by **Venkatachary et al** (US patent Application Publication No. 2004/0221157), hereinafter, '157.

For claims 1 and 7, '157 discloses, “ A wireless network managing (refer to figs. 3A-3B) method,

- wherein in a hot spot (**refer to abstract and paragraph 0012**) permitting access to a predetermined access point (**the access points 306, for a particular (same as predetermined) access module 112a, refer to abstract, paragraphs 0012,0018 and 0053**) in a limited location via a local wireless interface such as wireless LAN (**refer to abstract, paragraph 0011 and 0103**) a communication service utilizing a mobile communication network (**refer to**

paragraph 0035 and figs. 3A-3B) managed by a communication dealer tied up with the own manager (policy manager, refer to paragraph 0012) is provided, and in the location of the hot spot a user who is confirmed, according to the telephone number or the like of a mobile station, ('157 discloses, "every subnet on the Internet is identified by a unique number (telephone number or the like of a mobile station)". Every client connected to this subnet uses this number as part of its own unique identification. In the Internet, a subnet number is an integral part of the client's unique IP address, refer to paragraph 0053)., to be a subscriber of a mobile communication network managed by the communication dealer (policy manager, refer to paragraph 0012), is approved as one who has met necessary authentication to utilize communication service in the hot spot (refer to authentication in abstract, paragraphs 0013 and 0037).

For claims 2 and 8, wherein the confirmation that the user is a subscriber of a mobile communication network managed by the communication dealer is made when the user accesses the access point ('157 discloses, "Each of the components 110 is programmed/configured to perform various functions that relate to providing users with network access. Exemplary functions include authenticating the users, verifying the users during subsequent communication, and negotiating various services from various service providers for the user", refer to paragraph 0037).

For claim 3, '157 discloses, "wherein when the confirmation that the user is a subscriber of the mobile communication network managed by the communication dealer, the user is approved as one who has met necessary authentication to utilize communication services in the hot spot with respect to a plurality of hot spots providing communication services utilizing a mobile communication network managed by the communication dealer", (157 discloses, "An authentication/negotiation component is provided for authenticating various users and negotiating for services with service providers on behalf of the system users. The authentication/negotiation component can include one or more specialized servers and a policy manager that contains policies that govern user access to the Internet", refer to abstract, and paragraphs 0037, 0069 and 0074).

For claim 4, '157 discloses, "wherein the hot spot manager pays a communication fee corresponding to the extent of user of communication service by users in each hot spot, and the communication user demands communication expenditures to each user.", (157 discloses, "the components 110((negotiation) can negotiate, on behalf of the users, with the different ISPs 105 for Internet access. In some embodiments, the users are given choices as to different levels of service that they can be provided. The levels of service can be associated with different fees that the user is charged", refer to paragraphs 0037, 0086 and 00937).

For claim 5, '157 discloses, "wherein the mobile communication network managed by the communication dealer is a mobile communication network by PHS.", (157 discloses, "the components 110((negotiation) can negotiate, on behalf of the users, with the different ISPs

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105 for Internet access. In some embodiments, the users are given choices as to different levels of service that they can be provided. The levels of service can be associated with different fees that the user is charged", refer to paragraphs 0037, 0086 and 00937).

For claim 6, wherein the communication dealer provides by prepaid or rental provision of a means for limiting the extent of number of times, time interval, etc. approval of communication with wireless LAN card or the like to pertinent persons among the mobile communication network subscribers..", (**157 discloses, "the PANS server can monitor the packet traffic or the time that is spent on the network by the individual users. Step 902 collects information that pertains to the user's use of the network. Here, such information can include, without limitation, the total number of packets that are transmitted by a user, the total number of bytes that are transmitted by a user, or the total number of minutes that a user spends logged onto the .", refer to paragraph 0094)**

Prior Art of Record

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure..

Reddy et al (US Patent Application Publication No. 2004/0147254) discloses method and system for wireless mobile unit communication within a wireless network having geographic areas for preferred communication usage.

Conclusion

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Inder P. Mehra whose telephone number is 571-272-3170. The examiner can normally be reached on Monday through Friday from 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Inder Pal Mehra 12/8/06
Inder P Mehra
Examiner
Art Unit 2617

Joseph Feild
JOSEPH FEILD
SUPERVISORY PATENT EXAMINER